

REMARKS

Claims 1-23, all the claims pending in the application, are rejected. Claims 1, 5 and 15 have been amended.

Specification

The Examiner has objected to the title. Accordingly, the title has been amended.

Claim Rejections - 35 U.S.C. § 112

Claims 7, 14 and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As a basis for the rejection, the Examiner points to a specific limitation in these claims, which recites “comprising a game value adding device which adds a game value in accordance with a result of the race.” The Examiner questions how this value is determined, and to what it is added. This rejection is traversed.

Applicant submits that the rejection is improper because the claim limitation stated in the rejected claims is clear and comprehensive on its face. In other words, the claim language is clear and enables the metes and bounds of the limitation to be determined. Thus, a rejection under the second paragraph of Section 112 would not appear to be applicable.

The Examiner may have intended to base the rejection on Section 112, paragraph 1, which requires an enabling disclosure. If this is the case, Applicant wishes to point the Examiner to the basic principles of the invention, which involve a player owning a stable of race horses, and increasing the value of the horses in the stable, for example by spending medals to purchase a horse, raise the horse and participate in races. As explained at page 20, line 10 - page 22, line 6, the player’s horse can undergo a training process, which involves paying medals for the training, and enter the horse in races which, if successfully completed, enhances the value of the horse. As explained at page 21, lines 14 - 23, when a game is terminated, information concerning the abilities of the horse that has been trained and raised up is stored as part of the player data in the player data manager 64. This player data manager 64 corresponds to the game value adding device recited in the rejected claims.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5, 6, 8-10, 12, 13, 15-17, 19 & 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fongeallaz et al (5,186,460). This rejection is traversed.

The present invention is a multi-player gaming device which is based upon a race track model. As illustrated in the mechanical embodiment of Figure 1, the gaming device includes multiple player terminals 20 surrounding the field 10 having the plurality of tracks (12, 13,) occupying physically different areas and formed concentrically on the field 10. A common starting gate 11 is used by the plural tracks. A common board 30 displays odds, race results and other information. The application teaches that as an alternative to the mechanical embodiment, an electric or holographic embodiment may be used (page 23).

An underlying principle of the invention is that the players have available to them a plurality of tracks (12, 13) that represent different running surfaces, such as turf, dirt or steeplechase (page 22, line 22 - page 23, line 4). A further key feature of the invention is that the player may select one or more horses for his "stable", each horse having different characteristics such as stamina, speed or normal ability (page 19, lines 9-28). Further, a player can train his horse or enhance its ability by successfully running the horse in races (page 20, line 21 - page 21, line 13). In short, the game is intended to have a player engaged for a long period of time, playing with multiple horses in the stable, whose abilities are varied and changeable based upon training, success and the like.

The three rejected independent claims (1, 8 and 15) broadly reflect this concept. In particular, each concerns a game system in which a racing field is formed on a board and comprises a plurality of field regions in which a horse (or other running models, such as a car or the like) runs based on a current ability parameter in accordance with the respective field regions.

Prior Art

The Fongeallaz et al patent envisions a single track generated on an electronic display (Figs. 17-19) where the horses (H1, H2, H3, H4) have different abilities or attributes that relate to different track conditions (col. 5, lines 40-56). The track may, in fact, be a steeplechase course (col. 5, lines 63-66). The patent describes the manner in which the single track as illustrated in Fig. 13 may be controlled to simulate race conditions along a course measured by

discrete position blocks C500-C0. The patent explains at col. 4, lines 9-57 the manner in which these individual squares may be programmed to simulate actual race conditions over an oval track.

However, the patent teaches only a single track, rather than a plurality of tracks that concurrently exist on a board, as in the present invention. Thus, the patent does not disclose such ancillary features as a passage way formed between the plurality of concurrently field regions, as set forth in claims 5, 12 and 19).

Applicant has added to each of independent claims 1, 8 and 15, the limitation that the plurality of field regions are “concurrently existing on said board.”

Claims Rejections - 35 U.S.C. § 103

Claims 4, 11, 18 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fongeallaz et al as applied to claims 1, 8 or 15. The Examiner particularly points to the disclosure in Figure 13 and col. 5, as previously noted, for teachings relevant to the claimed invention. The Examiner concludes that it would have been obvious to one of ordinary skill to have used a dirt track and turf track sections and to adjust the conditions in order to simulate the two main track types. This rejection is traversed.

Applicant respectfully submits that claims 4, 11 and 18 are patentable on the basis of the distinctions made with regard to the independent claims 1, 8 and 15.

Applicant also submits that claim 22 clearly is patentable without amendment because nothing in the Fongealaz et al patent suggests the use of multiple tracks where the condition of a turf or dirt track itself can be changed

Claims 7, 14, 21 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fongeallaz et al as applied to claims 1, 8, 15 or 22, and further in view of Ikeda et al (6,371,854). The Examiner notes that Fongeallaz et al teaches the storing of a “library” of data concerning attributes and abilities of each running model, with reference to col. 5, lines 50-62. The Examiner admits that there is no teaching that a game value is added to the “library” in accordance with the results of the race. The Examiner points to Ikeda et al for teachings of a game in the same art which allows players to raise and train their own horses, so that they have a greater sense of involvement in the game. The Examiner concludes that it would have been

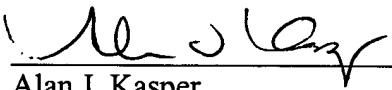
obvious to one of ordinary skill to have added a game value to the horse library of attributes. This rejection is traversed.

The rejections would be overcome on the basis of the distinctions made with regard to the independent claims. Nothing in Ikeda et al suggests the concurrent presentation of two tracks, or the variation of the track conditions, as recited in claim 22. Further, Applicant notes that the teachings in the Ikeda et al patent at col. 6, lines 17-25 concern the raising of a horse using only a portable game machine 10. Thereafter, once the horse has been raised, the player may transfer the data to a video game machine to enable a horse race played on a CRT. There is no teaching or suggestion as to how such feature may be added to the game system in the primary reference. The Examiner is using conventional hindsight in order to create this rejection. Accordingly, the rejection is overcome.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

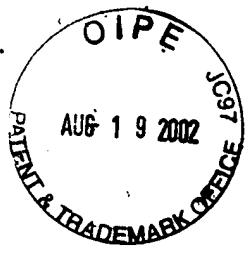
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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE RECEIVED

IN THE TITLE:

AUG 21 2002

The title is changed as follows:

TECHNOLOGY CENTER R3700

Game System Horse Racing Game With Varied Track Attributes

IN THE CLAIMS:

The claims are amended as follows:

Claim 1. (Amended) A game system, comprising:

a racing field formed on a predetermined board; and

a running model, to which an inherent ability parameter varying in accordance with a given environment is assigned, caused to run a race on the racing field,

wherein the racing field comprises a plurality of field regions concurrently existing on said board in which the running model runs based on a current ability parameter, in accordance with the respective field regions.

Claim 5. (Amended) The game system of claim 1, wherein a passageway is formed between the plurality of concurrently existing field regions so that the running model can enter and exit, and the same running model can run on races on the plurality of field regions.

Claim 8. (Amended) A game system, comprising:

a racing field formed on a predetermined board; and

a running model, to which an inherent ability parameter varying in accordance with a given environment is assigned, caused to run a race on the racing field,

wherein the racing field comprises a plurality of field regions concurrently existing on said board which provide the running model with variable factors of the ability parameter, the variable factors differing in accordance with running of the running model in the respective field regions.

Claim 15. (Amended) A game system, comprising:

a racing field formed on a predetermined board; and

a plurality of running models, to each of which an inherent ability parameter varying in accordance with a given environment is assigned, caused to run a race on the racing field,

wherein the racing field comprises a plurality of field regions concurrently presented on said board in which each of the running models runs based on a current ability parameter in accordance with the respective field regions, whereby each of the running models is provided with variable factors of the ability parameter, the variable factors differing in accordance with running of each of the running models.